

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 26, 1953  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

## Roll call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; Noble Latson, Assistant Director of Public Works.

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake  
Noes: None  
Present but not voting: Councilman MacCorkle

MR. JOHN COFER appeared in behalf of JUDGE McCLENDON in the interest of the Texas Fine Arts Association, stating the City had removed thousands of yards of dirt and committed a trespass on the Association's property in constructing this boat ramp. He asked the Council in behalf of the members of the Association not to go into this project, and turn the Arts Museum into a sports arena. DR. BATTLE, member of the Fine Arts Association of Texas, asked that misuse of this property not be permitted; MRS. WAYMON ADAMS, a member of the Association since 1911, MISS FANNIE ANDREWS and DR. DUNCALF spoke for the sake of preserving art and beauty. MRS. D. K. BRACE spoke in the interest of saving the water front and the natural surroundings for the birds. MRS. FRANK DOBY, and MR. WEBSTER, members of the Travis County Audubon Society, spoke in favor of not disturbing the sanctuary of the birds. MISS JULIA ROBINSON also spoke. MRS. JOHN GREENE, member of the Texas Fine Arts Association, Travis County Audubon Society, and chairman of the grounds committee for LaGuna Gloria, declared the grounds would be ruined by marauders if it were opened up like this; that the small committee that authorized this project had no right to do it, and that the Board did not know

about it. MRS. VIRGINIA LEBERMAN spoke. The Mayor stated the boating facility was down from the Association, and the land was swampy, and had been improved rather than damaged. Councilman Long stated although she had made the motion last week to go ahead with this work, she was lead to believe there was no other place in the city for this boat ramp project, and that the Fine Arts Association was wholly in agreement, or Judge McClendon would have made his appearance otherwise. The City Manager reviewed the matter, and explained his agreement with the Board in which the City would build not a boat dock, but a ramp, and the consideration of the use of the coliseum by the board. Inasmuch as he and the Council were concerned, he felt he was dealing with the justified authority of the Texas Fine Arts Association, who set up a subcommittee with powers to act. He stated the grounds in his opinion has been improved. Councilman MacCorkle felt that the Council and City Manager had acted in good faith. Councilman White stated it was important to have a ramp, but he felt there were other places if the Fine Arts Association did not want it there. Councilman Long moved that the City Manager be instructed to cease and desist immediately his digging in the LaGuna Gloria until this Texas Fine Arts Board has an opportunity to meet and make its decision as soon as possible. The motion, seconded by Councilman White, tied by the following vote:

Ayes: Councilmen Long, White  
 Noes: Councilman MacCorkle, Mayor Drake  
 Present, but not voting: Councilman Johnson, as he wanted further consideration of the matter.

The matter was taken up again later on in the meeting. Councilman Johnson moved that the City Manager be instructed to level the existing pile and complete this by 5:00 P.M., March 27, and to close the property from any use by the public until April 17, 1953. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor Drake  
 Noes: Councilmen Long, White

MR. NEVILLE JOHNSON and MR. EDWIN STORK appeared representing the P.T.A. at Travis Heights School, and presented some maps, and asked that the street between Alameda Drive and Algarita Avenue be closed and used for playground for the schools. They stated they had discussed this matter with the schools, and that the only property involved as public property. Councilman Johnson moved that this matter be referred to the Planning Commission for a recommendation. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
 Noes: None

MR. VAN SMITH inquired about the extending of a street from St. Edwards' property through to the Interregional Highway. The Mayor stated he had met with the authorities at St. Edwards, and they were going to have another meeting right away. The Mayor explained this request, and felt that some exchange of property between the property owners and St. Edwards could be worked out.

The following petition was submitted by E. L. Rhambo and Henry Pryor:

"Austin, Texas  
March 25, 1953

"To the City Council of Austin

"We, the undersigned citizens, E. L. Rhambo and Henry Pryor, one doing at 1160 Chestnut, St. as the Rhambo Hotel and other doing business at the El Tourist at 1168 Chestnut, St. These two business places are designed for over night stay for people traveling and for those coming to town with no definite place to stay. In many instances, it serves those desiring to rest several hours, then proceed on their journey.

"We are tax payers and law abiding citizens and for the past several months we feel that we have been imposed upon by the Austin Police Department, they invariably enter our places without legal Search Warrants and molest our customers. This we consider to be highly irregular. We know of no instance where the police make regular visits to other tourist courts or such small hotels as ours for the purpose of entering the rooms and intimidating the people there-in.

"We have consulted lawyers, Chief Thorp and others to determine what an orderly place would be termed in their opinion, they have told us and we have tried to comply to the letter of the law, our records are available at all times, we have no objection to constant visits by the officers, but we do object to them entering our places of business and going into our rooms and disturbing the people who are many times asleep. On several occasions the persons have been brought into the City jail and made to pay fines.

"The County Court by a Jury verdict has acquitted me of any violation of mis-conduct. I, E. L. Rhambo recall several occasions where the officers have come into my place and at one time removed from my premises a pint of un-sealed whiskey still wrapped in the paper and lying on my dresser in my private room. I had purchased the whiskey and rock candy for the purpose of mixing for colds. The rock candy was in my possession. At the time I was under the care of the Doctor, he advised that I sip the Rock-candy Whiskey at nights after retirement.

"My whiskey was taken by the officers and never returned. They had me to pay a fine of \$100.00 for possession of 1-pint of un-sealed, un-wrapped whiskey. There is no law any place forbidding an individual to have liquor in his own private dwelling and for his own personal use. If so, we do not have any knowledge of such law.

"We have sought relief every place we know to no avail, we have come here today asking that the City Council direct the Chief of Police to close our places of business and other such places of business if we are not complying with the law, then, if we are, we want to be left alone to make a living in peace and without intimidation.

"Humbly submitted:

"(Sgd) E. L. Rhambo  
(Sgd) Henry Pryor"

Councilman Johnson moved that the petition be referred to the City Manager for report back to the Council. The motion, seconded by Councilman

White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in Finley Drive, from a point 103 feet north of West 49th Street northerly 241 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Finley Drive.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in Warren Street, from a point, 264 feet east of Hillview Road easterly 172 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Warren Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in La Ronde, from Chiappero Trail easterly 262 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said La Ronde.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in Oak Crest Avenue, from West Oltorf Street northerly 150 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Oak Crest Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in Prospect Avenue, from East 9th Street northerly 196 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Prospect Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:  
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 24, 1953, for the construction of a bath house at Lake Austin Park; and,

WHEREAS, the bid of the Allen de Steiguer Company in the sum of \$11,364.00 for the construction of such bath house with concrete slab roof, and the bid of said company in the sum of \$11,364.00 for the construction of such bath house with pre-cast roof, were the lowest and best responsible bids therefor, and the acceptance of the bid in the sum of \$11,364.00 has been recommended by the Director of Public Works and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of the Allen de Steiguer Company in the sum of \$11,364.00 for the construction of such bath house at Lake Austin Park be and the same

is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with the Allen de Steiguer Company for the construction of said structure.

The motion, seconded by Councilman White, carried by the following vote:  
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
 Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Wm. Schoenert Subdivision", approved by the City Planning Commission of the City of Austin on February 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:  
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
 Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "M. L. Brown Addition", approved by the City Planning Commission of the City of Austin on March 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, and in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the plat Records of Travis County, Texas.

The motion, seconded by Councilman MacCorkle, carried by the following vote:  
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
 Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Resubdivision of Lot 7 of Montdale", approved by the City Planning Commission of the City of Austin on February 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:  
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
 Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of Carl L. Johnson is incorrect for the following reasons:

"According to information furnished by affidavit from Mary Lou Johnson, there were no improvements on the described property as of January 1, 1952. This information has been confirmed by plumbing inspection reports.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1952	Improvements on Lot 13, O.L. 32, Div. C, Cherrywood Annex, Plat 239, Item 215, located at 3312 Hemlock.	2,130	0

"(Sgd) T. B. Marshall  
 City Tax Assessor and Collector"

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Carl L. Johnson, and has found the same to be erroneous for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is

hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1952	Improvements on Lot 13, O.L. 32, Div. C, Cherrywood Annex, Plat 239, Item 215, located at 3312 Hemlock.	2,130	0

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The Council had before it, pending from the meeting of March 12th, the following applications for zoning requests, and took action as indicated:

W. K. JENNINGS	2200-04 Maple Avenue	From "A" Residence To "C" Commercial RECOMMENDED by the Plan- ning Commission
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This application was pending from the meeting of March 12th. The Mayor asked that those who favored upholding the recommendation of the Zoning Board, granting the change, and instructing the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

The Mayor announced that the change had been granted, and the ordinance would be drawn.

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A. CASIRAGHI	1901 W. 10th Street	From "A" Residence To "C-1" Commercial RECOMMENDED by the Planning Commission
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This application was pending from the meeting of March 12th. The Mayor asked that those who favored upholding the recommendations of the Zoning Board, granting the change, and instructing the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, MacCorkle, White, Mayor Drake  
Noes: Councilman Johnson

The Mayor announced that the change had been granted, and the ordinance would be drawn.

MRS. COLUMBIA JONES      104-06 Pleasant Valley  
Road, and 2228-34 East  
1st Street

From "C" Commercial  
To "C-2" Commercial  
NOT RECOMMENDED by the  
Planning Commission.

This application was pending from the meeting of March 12, 1953. MR. JOHN BRADY appeared in behalf of the applicant stating Mrs. Jones needed additional income, and could get tenants if the place could sell liquor. It was not recommended by the Planning Commission on the grounds there was no need in the community. The Mayor asked that those who favored upholding the recommendation of the Planning Commission and DENYING the change, to vote "aye"; those opposed to denying the change to vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, MacCorkle  
Noes: Councilmen Long, White, Mayor Drake

The Mayor announced that the change was NOT GRANTED, as it did not receive a four-fifths vote necessary to overrule the recommendation of the Planning Commission.

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The Council received notice from the City Manager that the following application for change of zoning had been referred to the Planning Commission:

CLARENCE A. BERGSTROM      2105 Rosewood Avenue

From "B" Residence  
To "C" Commercial

Councilman MacCorkle inquired about the Great Oaks Subdivision approved the past week. The City Attorney explained that this plat could be recorded and a resubdivision could be applied for, but that would require the recording of two plats. He stated the plat could be revised. Then Councilman Long moved that MR. LANDON BRADFIELD be permitted to revise the plat of GREAT OAKS, SECTION 2, subject to the approval of the Planning Commission, to conform to the tentative agreement between himself and Mrs. R. R. MURRAY. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

Councilman MacCorkle asked if the City Ordinances needed revamping as concerning central heating. The City Manager stated the new building code had made some changes, but that the present code was adequate. The building code is being reviewed by architects and contractors.

The Council went over the pending list. Certain items were put on the agenda, and others were to be reported on within two weeks.

Councilman Long inquired about the water pressure in Georgian Acres, with a special complaint from MRS. C. K. TURNER, 9110 Georgian Drive, and asked that the City Manager bring back a report on this request and what can be accomplished in this area.

Councilman Long had two requests for street repairs; Mrs. Weiser at 1601 Garden Street stating that Comal was in a bad condition and needed improving. Also Glissman Road east from Springdale Road has been left in bad shape as it had been worked on, but not completed. She inquired about the oiling of the streets around the schools. The City Manager stated this would begin about April 1st.

Councilman Long stated in the Violet Crown Area the people were still unhappy about the Fan Marker situation in that it interferes with their television. The Mayor suggested requesting the Senator and Congressman to work through the C.A.A. Councilman Long moved that a formal resolution be drawn up to send our Congressman and Senator, asking them to contact the C.A.A. and request that they remove the fan marker from the City of Austin. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake  
Noes: None

Councilman Long inquired about a street between Piedmont and Arroya Seca which had been closed, and asked that it be opened. The Assistant Director of Public Works explained this was never a street, but a parking area; and when a storm sewer was put in, the pipe that had served as a drive, had been removed. He stated that the property in question was from Arroya Seca to Woodrow and was private property used in connection with a business center.

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: *W. S. Drake*

ATTEST:

*Elaine Hoosley*  
City Clerk